

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER,

Plaintiff,

v.

JAMES M. PETERS, et al.,

Defendants.

CASE NO. C11-5424 BHS

ORDER GRANTING
PLAINTIFF'S UNOPPOSED
MOTION FOR LEAVE TO FILE
SUPPLEMENTAL
DECLARATION

This matter comes before the Court on Plaintiff Clyde Ray Spencer's ("Spencer") unopposed motion for leave to file a supplemental declaration in support of his responses to Defendants' motion for summary judgment (Dkt. 156). The Court has considered the pleadings filed in support of the motion and remainder of the file and hereby grants the motion.

According to Spencer's motion, the missing pages or inexact citations which he seeks to supplement all appear to be due to inadvertence, neglect or mistake on the part of Plaintiff's counsel. *See* Dkt. 156 at 1-4. Spencer's omissions and supplements are numerous and the need to file this motion could have been remedied, in whole or at least

1 in part, by counsel's exercise of greater diligence in drafting Spencer's responses to
2 Defendants' summary judgment motions. However, in the absence of any opposition and
3 in the interests of having a complete and accurate set of responses, the Court will allow
4 Spencer's supplements, in the following manner.

5 To avoid the type of scattered cross-reference to Spencer's supplements that the
6 Court and the Defendants would have to undertake, the Court requires Spencer to redraft
7 each response to correct only the omissions, miscitations and other errors listed in its
8 motion. Additional argument is strictly prohibited.

9 It is hereby **ORDERED** that Spencer's motion to supplement the record (Dkt.
10 156) is **GRANTED** as set forth above. Spencer's redrafted responses must be filed by
11 March 21, 2013. Because Defendant James Peters' ("Peters") motion (Dkt. 135) is noted
12 for consideration on February 22, 2013 and Plaintiff is required to redraft a response to it,
13 the Court directs Peters to file a redrafted reply by March 28, 2013 to Spencer's re-
14 drafted response. Peters' motion is renoted to March 28, 2013. All other scheduled dates
15 remain the same.

16 Dated this 14th day of March, 2013.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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